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complaint was filed by the other claimant of the disputed ground; and a mandatory injunction sought to compel the removal of the wall and for damages. The question of boundary having been referred and found in favor of the plaintiff, it was held, that a perpetual injunction would lie to compel the removal of the wall without resort to law to determine title, the title and right of possession being incident merely to the question of boundary.

Liabilities of County Commissioners.—*Warden v. Witt et al.*, 39 Pacific Rep. 1114 (Idaho). The plaintiff brought suit against the defendants as commissioners of a county for injuries alleged to have been sustained by him in crossing a certain county bridge, by reason of defects in the same. It was held that a County Commissioner is not individually liable in damages for injuries sustained because of defective highways, for the reason that it would result in the abrogation of the office (because no sane man would assume the position with such a liability attached).

Liability of Wharfingers—*Fire Communicated to vessel by floating oil.*—*Hustede et al. v. Atlantic Refining Co.*, 68 Fed. Rep. 669. A vessel on its way to an oil wharf where the water is of necessity covered with oil, caught fire, and suit was brought against the wharfinger to recover damages resulting therefrom. Held, that the wharfinger was not liable for the damage done, as the vessel had to take its own risk in going to the wharf, and the wharfinger was not responsible for the escape of oil from sources over which he had no control, nor liable for fire communicated by the oil from premises not owned by him.

Marriage—Divorce—Conflict of Laws—Foreign Judgment—Jurisdiction.—*McCreery v. Davis*, 22 S. E. Rep. 178 (S. C.). Plaintiff sued to compel acceptance of deeds to land by defendant, who refused upon the ground that the title was defective in that the deeds were not signed by plaintiff's wife. Plaintiff's wife had secured a divorce in Illinois, without personal service on her husband, upon grounds not recognized in New York where the marriage took place, nor in South Carolina where the plaintiff lived. Held, that marriage is a civil contract, not a *res* or status; that the common-law doctrine of divorce obtains in South Carolina; and that the wife still had a dower in the lands, hence her signature was necessary to create a perfect deed.

Powers of Congress—Postoffice—Lotteries.—*Enterprise Lot. Assn. v. Zumstein, P. M.*, 67 Fed. Rep. 1000 (Ohio). The complainant

brought a bill to enjoin the postmaster of Cincinnati from obeying an order of the Postmaster General directing him to refuse to deliver registered letters or pay money orders to the plaintiff. This order was issued under the power imposed in the Postmaster General by Congress, upon satisfactory evidence that the plaintiff corporation was engaged in conducting a lottery. The Court held that it was within the power of Congress to authorize the Postmaster General to make such an order, and that it had no jurisdiction to enjoin the execution of an order made thus by the Postmaster General in the exercise of the discretion which Congress had reposed in him.

Sale of Land to Minor—Rescission at Majority—Lien for Price Paid.—*Morris v. Holland*, 31 S. W. Rep. 690 (Texas). The appellant in this case sought to rescind a conveyance of real estate made to him during his minority by appellee, and to recover the money paid, upon a tender to the vendor of a reconveyance, a lien upon the land was implied and need not be pleaded where the facts show its existence.

Taxation—Charity School.—*City of Philadelphia v. Overseers of Public Schools*, 32 Atl. Rep. 1033 (Penn.). An institution originally endowed as a charity school to educate poor children gratuitously and those of rich parents at reasonable rates, gradually ran down. The overseers then agreed to furnish the buildings, furniture, etc., and to pay the tuition of the poor children from the corporation's funds, and contracted with a teacher to conduct the school, stipulating that he should receive seven-eighths of the gross receipts and out of this hire his assistants. Held, that since the element of charity was eliminated by leasing the school to the head teacher for one-eighth of the gross receipts, the property was not exempt from taxation.